LIBRARY
SUPREME COURT, U.S.

Office - Supreme Court, U. S.
FILED
DEC 6 1948
CHARLES E.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1948

NO. 117

HERMOINE P. RICE,
Petitioner

vs.

LILLIAN P. RICE,
Respondent

ON WRIT OF CERTIORARI TO THE SUPREME COURT
OF ERRORS OF THE STATE OF CONNECTICUT

Brief of the Respondent

RALPH H. CLARK,
SAMUEL A. PERSKY,
Counsel for Respondent.

INDEX

Subject Index

	PAGE
Statement of Case	1
Argument	4
I. The ultimate conclusion of the Connecticut court is supported by evidence that was material and relevant	5
II. Abandonment of former domicil is a necessary element in proving change of domicil	10
III. The Connecticut court did not shift the burden of proof onto petitioner	11
IV. Finding that Rice went to Reno for the sole purpose of obtaining a divorce is supported by all of the evidence	12
V. The ultimate conclusion of the Connecticut Supreme Court of Errors is supported by the evidential facts and the proper inferences therefrom	15

Cases Cited

1. *Baldwin* vs. *Baldwin*, 28 Cal. 2nd 406, 170 Pac. 2nd 670 . . . 3
2. *Coe* vs. *Coe*, 334 U. S. 378, 68 S. Ct. 1094 . . . 4
3. *Commonwealth* vs. *Berfield*, 160 Penn. Super. 438 . . . 7, 20
4. *Commonwealth ex rel. Meth* vs. *Myth*, 156 Pa. Super. 632, 639 . . . 18
5. *Dalton* vs. *Dalton*, 270 App. Div. 269, 59 N. Y. Sup. 2nd 68 . . . 6, 20
6. *District of Columbia* vs. *Murphy*, 314 U. S. 441 . . . 18
7. *Esenwein* vs. *Pennsylvania*, 325 U. S. 279, 281, 65 S. Ct. 1118 . . . 20

PAGE

8. *Estin* vs. *Estin*, 63 N. Y. Sup. 2nd. 476 8
9. *Gildersleeve* vs. *Gildersleeve*, 88 Conn. 689, 694 14
10. *Hall* vs. *Hall*, 199 Miss. 478, 490 ..... 14, 18
11. *In re Paul's Estate*, 175 Pac. 2nd. 284, 287 8
12. *McDonald* vs. *Hartford Trust Co.*, 104 Conn. 169, 132 Atl. 902 10
13. *Mills* vs. *Mills*, 110 Conn. 612, 618 19
14. *Morgan* vs. *Morgan*, 103 Conn. 189, 130 Atl. 254 10
15. *Sherrer* vs. *Sherrer*, 334 U. S. 343, 68 S. Ct. 1087 4
16. *State* vs. *Cooke*, 110 Conn. 348, 351 14
17. *Williams* vs. *North Carolina*, 325 U. S. 226, 234, 65 S. Ct. 1092 ..... 4, 20

OTHER AUTHORITIES CITED

Nelson on Divorce, para. 21.17 14
Restatement of the Law, *Conflict of Laws*,
Sec. 19 19
Sec. 20 19
Sec. 23 10

IN THE

Supreme Court of the United States

OCTOBER TERM, 1948

NO. 117

HERMOINE P. RICE,
Petitioner

vs.

LILLIAN P. RICE,
Respondent

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF ERRORS OF THE STATE OF CONNECTICUT

BRIEF OF THE RESPONDENT

Statement of Case

In petitioner's statement of case in her brief reference is made to two facts appearing on page 56 of the Record to the effect that respondent authorized two attorneys in Reno to enter a voluntary appearance for her in the divorce action there, both of which authorizations were revoked prior to the date on which a default decree could have been entered; and also that following entry of